

Attorney Docket 53321USA1A  
Serial. No. 09/358,738

**Remarks/Arguments**

Initially, it is noted that the Office Action dated August 4, 2003 states:

Claims 33, 37-51, 55-61 are objected to because of the following informalities: Claim 33, step c, would be better relate[d] to the preamble and determination step if amended to recite measurement of the composition. See also claim 43, step b). Appropriate correction is required.

Per the Examiner's request, claims 33, 43 and 56-61 have been amended as follows: making a measurement "of the polymeric or pre-polymeric composition provided with said microparticles using the instrument." It is strongly submitted that these amendments to claims 33, 43 and 56-61 do not comprise narrowing amendments. In view of the amendments to claims 33, 43 and 56-61, it is respectfully requested that the objection to claims 33, 37-49, 56-61 be withdrawn.

The Office Action further states:

Claims 50-51, 56-61 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


With this paper, independent claim 33 has been amended to recite the limitations of now canceled claim 50. Similarly, independent claim 43 has been amended to recite the limitations of now canceled claim 51. Also, claims 56-61 have been rewritten in independent form. Accordingly, it is believed that all claims now recite allowable subject matter.

Attorney Docket 53321USA1A  
Serial. No. 09/358,738

In view of the above remarks and amendments, applicants submit that claims 33, 37-49 and 56-61 define patentably over the prior art. Early notification of allowable subject matter is respectfully requested.

Respectfully submitted,

STEVENS & SHOWALTER, L.L.P.

By   
Robert L. Showalter, Reg. No. 33,579

7019 Corporate Way  
Dayton OH 45459-4238  
Telephone: 937/438-6848  
Facsimile: 937/438-2124  
Email: showalter@speakeasy.net